Supreme Court, U.S.
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MICHAEL RODAK, JR., CLERK

No. 79-972

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

WESTVACO CORPORATION, et al.,
Petitioners,

v.

ADAMS EXTRACT COMPANY, et al.,
Respondents.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Fifth Circuit

JOINDER OF CERTAIN RESPONDENTS IN MOTION TO DISMISS THE WRIT OF CERTIORARI

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On December 20, 1979, a petition for writ of certiorari was filed before this Court in this case seeking review of the question of "[w]hether defendants in antitrust cases may assert rights of contribution." Petition [of Westvaco Corporation, Packaging Corporation of America and Georgia-Pacific Corporation] For A Writ of Certiorari To The United States Court of Appeals For the Fifth Circuit, at p. 2. Petitioners sought review of this issue for two reasons. First, they asserted that a conflict of federal law existed on the issue of contribution in antitrust cases. Petition, at pp. 6-10. Second, they contended that review of the contribution issue in this case was appropriate because important issues of federal law were involved, specifically concerns that in the absence of contribution (1) "the aggregation of damage claims in large antitrust class actions may coerce settlements from defendants" and (2) "inequitable allocation of liability" may occur. Petition, at pp. 10-14. This Court granted certiorari after obtaining the views of the Solicitor General that while this case "does not necessarily present an occasion to resolve this conflict," certiorari should be granted. Brief for The United States as Amicus Curiae, filed June 2, 1980, at p. 15.

The circumstances of these cases have changed dramatically since the petitioners' and Solicitor General's briefs were submitted and since certiorari was granted. Each of the three petitioners has now settled the MDL-310 class action cases. One petitioner has withdrawn or will withdraw from this case. None of the petitioners advocates contribution in the MDL-310 class action cases. As demonstrated in the "Motion of Certain Respondents To Dismiss The Writ of Certiorari," dated September 24, 1980, this Court's precedent supports dismissal of the writ because of these changed circumstances.

For these reasons, the undersigned respondents support the "Motion of Certain Respondents to Dismiss The Writ of Certiorari."

Dated: September 26, 1980

Respectfully Submitted,

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